The payments were made (R. 401) and plaintiff's bill was dismissed as decreed in the final decree dated June 11, 1940, but filed June 12, 1940.

The United States Circuit Court of Appeals for the First Circuit affirmed the decree of the District Court for the District of Maine, granting said special motion and dismissing petitioner's complaint, on June 6, 1941 (R. 432), thereby sanctioning and approving a radical departure from the accepted and usual course of judicial proceedings in minority stockholder suits.

JURISDICTIONAL STATEMENT

This is a civil equity case in the United States Circuit Court of Appeals for the First Circuit in which petitioner, Ben May, prays a writ of certiorari to review the judgment of said Circuit Court of Appeals rendered in the above entitled cause on June 6, 1941, (R. 432), under section 240 (a) of the Judicial Code as amended by the Act of February 13, 1925.

QUESTION PRESENTED

Whether a suit by a minority stockholder in a dominated corporation, brought against the dominant stockholder on behalf of and in the right of said dominated corporation, can properly be disposed of by granting a special motion to strike from the complaint prayers seeking to set aside a sale of all corporate assets to said dominant majority stockholder and its controlled subsidiary, when such prayers are predicated

on allegations of the bill of complaint which state an equitable cause of action, and by then dismissing the bill of complaint, which seeks the recovery of millions of dollars alleged to be due by the dominant stockholder to the dominated corporation upon the offer of said dominant stockholder to pay plaintiff, and the payment into Court for the plaintiff of, his pro rata share of the recovery to which his corporation is entitled with costs and counsel fees.

REASONS FOR GRANTING THE WRIT

The United States Circuit Court of Appeals for the First Circuit by its judgment affirming the decree of the lower court granting said special motion, has sanctioned a radicial departure from the accepted and usual course of judicial proceedings in causes of action brought by minority stockholders to enforce corporate rights and to redress corporate wrongs.

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